

AMENDED IN ASSEMBLY MAY 3, 2012

AMENDED IN ASSEMBLY MARCH 21, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1529

Introduced by Assembly Member Dickinson

January 23, 2012

An act to amend Section 25762 of the Business and Professions Code, to amend Sections 116.940 and 631.2 of, to amend the heading of Article 7 (commencing with Section 116.710) of Chapter 5.5 of Title 1 of Part 1 of, to add Section 116.798 to, and to repeal Section 631.1 of, the Code of Civil Procedure, to amend Section 56159 of the Education Code, to amend Sections 731, 752, 753, and 754 of the Evidence Code, to amend Sections 1814, 1820, 1834, 1838, 1850, 3025.5, 3170, 3173, 3188, 6303, 7553, and 7556 of the Family Code, to amend Sections 1750, 23249, 23332, 23535, 24350, 24351, 24353, 25252.6, 27080.1, 29320, 29370, 29370.1, 29371, 29372, 29373, 29374, 29375, 29376, 29377, 29379, 29603, 31116, and 68098 of, and to add Sections 68083 and 68083.5 to, the Government Code, and to amend Section 1306 of, and to add Section 1305.5 to, the Penal Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1529, as amended, Dickinson. Trial courts: restructuring and bail forfeiture.

Existing law provides for the restructuring of the trial court system, including the abolition of municipal courts, the unification of those courts with superior courts, and state funding of trial courts. Under existing law, a statutory reference to a judicial district that relates to a

municipal court in a county in which unification has occurred generally means the county, as specified.

This bill would modify provisions of law to reflect trial court restructuring. As part of these modifications, this bill would delete obsolete references to municipal courts and would specify the jurisdiction of a writ petition relating to a small claims case in the unified state court system. Further, this bill would revise various provisions to reflect the state’s responsibility for trial court funding, including provisions related to jury fees in civil cases, payment of expert witnesses, interpreters, and translators in criminal actions, juvenile proceedings, and certain civil actions. This bill would also delete obsolete references to judicial districts, counties, and county entities following trial court restructuring. Additionally, this bill would prescribe the rules applying to the acceptance of money by superior courts to reflect trial court restructuring.

Existing law also provides for the forfeiture of the undertaking of bail when a defendant fails to appear in court. Under existing law, a court must enter a summary judgment against the bondsman named in the bail bond within 180 days of the date of forfeiture or within 180 days of the date of mailing of the notice, regardless of the amount of the bail.

This bill would provide that an appeal from an order of the superior court on a motion to vacate a bail forfeiture shall be to the court of appeal as an unlimited civil case if the amount in controversy exceeds \$25,000, and to the appellate division of the superior court as a limited civil case if the amount in controversy does not exceed \$25,000, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25762 of the Business and Professions
- 2 Code is amended to read:
- 3 25762. (a) All fines and forfeitures of bail imposed for a
- 4 violation of this division and collected in any felony case after the
- 5 indictment or the legal commitment by a magistrate, or at or after
- 6 the sentencing hearing, shall be paid to the county treasurer of the
- 7 county in which the court is held.
- 8 (b) All fines and forfeitures of bail imposed for violation of this
- 9 division and collected upon conviction or upon forfeiture of bail,

1 together with money deposited as bail, in any misdemeanor or
2 infraction case, or in any felony case at the preliminary hearing or
3 at another proceeding before the legal commitment by a magistrate,
4 shall be deposited with the county treasurer of the county in which
5 the court is situated and the money deposited shall be distributed
6 and disposed of pursuant to Section 1463 of the Penal Code.

7 (c) For purposes of this section, a case in which both a felony
8 and a misdemeanor were charged shall be treated as a felony case.

9 SEC. 2. The heading of Article 7 (commencing with Section
10 116.710) of Chapter 5.5 of Title 1 of Part 1 of the Code of Civil
11 Procedure is amended to read:

12
13 Article 7. Motion to Vacate, Appeal, and Related Matters

14
15 SEC. 3. Section 116.798 is added to the Code of Civil
16 Procedure, to read:

17 116.798. (a) (1) A petition that seeks a writ of review, a writ
18 of mandate, or a writ of prohibition relating to an act of the small
19 claims division, other than a postjudgment enforcement order, may
20 be heard by a judge who is assigned to the appellate division of
21 the superior court.

22 (2) A petition described by paragraph (1) may also be heard by
23 the court of appeal or by the Supreme Court.

24 (3) Where a judge described in paragraph (1) grants a writ
25 directed to the small claims division, the small claims division is
26 an inferior tribunal for purposes of Title 1 (commencing with
27 Section 1067) of Part 3.

28 (4) The fee for filing a writ petition in the superior court under
29 paragraph (1) is the same as the fee for filing a notice of appeal
30 under Section 116.760.

31 (5) The Judicial Council shall promulgate procedural rules for
32 a writ proceeding under paragraph (1).

33 (6) An appeal shall not be taken from a judgment granting or
34 denying a petition under paragraph (1) for issuance of a writ. An
35 appellate court may, in its discretion, upon petition for
36 extraordinary writ, review the judgment.

37 (b) A petition that seeks a writ of review, a writ of mandate, or
38 a writ of prohibition relating to an act of a superior court in a small
39 claims appeal may be heard by the court of appeal or by the
40 Supreme Court.

1 (c) A petition that seeks a writ of review, a writ of mandate, or
 2 a writ of prohibition relating to a postjudgment enforcement order
 3 of the small claims division may be heard by the appellate division
 4 of the superior court, by the court of appeal, or by the Supreme
 5 Court.

6 SEC. 4. Section 116.940 of the Code of Civil Procedure is
 7 amended to read:

8 116.940. (a) Except as otherwise provided in this section or
 9 in rules adopted by the Judicial Council, which are consistent with
 10 the requirements of this section, the characteristics of the small
 11 claims advisory service required by Section 116.260 shall be
 12 determined by each county, or by the superior court in a county
 13 where the small claims advisory service is administered by the
 14 court, in accordance with local needs and conditions.

15 (b) Each advisory service shall provide the following services:

16 (1) Individual personal advisory services, in person or by
 17 telephone, and by any other means reasonably calculated to provide
 18 timely and appropriate assistance. The topics covered by individual
 19 personal advisory services shall include, but not be limited to,
 20 preparation of small claims court filings, procedures, including
 21 procedures related to the conduct of the hearing, and information
 22 on the collection of small claims court judgments.

23 (2) Recorded telephone messages may be used to supplement
 24 the individual personal advisory services, but shall not be the sole
 25 means of providing advice available in the county.

26 (3) Adjacent counties, superior courts in adjacent counties, or
 27 any combination thereof, may provide advisory services jointly.

28 (c) In any county in which the number of small claims actions
 29 filed annually is 1,000 or less as averaged over the immediately
 30 preceding two fiscal years, the county or the superior court may
 31 elect to exempt itself from the requirements set forth in subdivision

32 (b). If the small claims advisory service is administered by the
 33 county, this exemption shall be formally noticed through the
 34 adoption of a resolution by the board of supervisors. If the small
 35 claims advisory service is administered by the superior court, this
 36 exemption shall be formally noticed through adoption of a local
 37 rule. If a county or court so exempts itself, the county or court
 38 shall nevertheless provide the following minimum advisory
 39 services in accordance with rules adopted by the Judicial Council:

1 (1) Recorded telephone messages providing general information
2 relating to small claims actions filed in the county shall be provided
3 during regular business hours.

4 (2) Small claims information booklets shall be provided in the
5 court clerk's office of each superior court, appropriate county
6 offices, and in any other location that is convenient to prospective
7 small claims litigants in the county.

8 (d) The advisory service shall operate in conjunction and
9 cooperation with the small claims division, and shall be
10 administered so as to avoid the existence or appearance of a conflict
11 of interest between the individuals providing the advisory services
12 and any party to a particular small claims action or any judicial
13 officer deciding small claims actions.

14 (e) Advisers may be volunteers, and shall be members of the
15 State Bar, law students, paralegals, or persons experienced in
16 resolving minor disputes, and shall be familiar with small claims
17 court rules and procedures. Advisers may not appear in court as
18 an advocate for any party.

19 (f) Advisers, including independent contractors, other
20 employees, and ~~volunteers~~, *volunteers* have the immunity conferred
21 by Section 818.9 of the Government Code with respect to advice
22 provided as a public service on behalf of a court or county to small
23 claims litigants and potential litigants under this chapter.

24 (g) Nothing in this section precludes a court or county from
25 contracting with a third party to provide small claims advisory
26 services as described in this section.

27 SEC. 5. Section 631.1 of the Code of Civil Procedure is
28 repealed.

29 SEC. 6. Section 631.2 of the Code of Civil Procedure is
30 amended to read:

31 631.2. (a) Notwithstanding any other provision of law, the
32 superior court may pay jury fees in civil cases from general funds
33 of the court available therefor. Nothing in this section shall be
34 construed to change the requirements for the deposit of jury fees
35 in any civil case by the appropriate party to the litigation at the
36 time and in the manner otherwise provided by law. Nothing in this
37 section shall preclude the right of the superior court to be
38 reimbursed by the party to the litigation liable therefor for any
39 payment of jury fees pursuant to this section. Nothing in this
40 section shall preclude the right of the county to be reimbursed by

1 the party to the litigation liable therefor for any payment of jury
2 fees pursuant to this section as it read in Section 4 of Chapter 10
3 of the Statutes of 1988, or pursuant to former Section 631.1 as it
4 read in Section 1 of Chapter 144 of the Statutes of 1971.

5 (b) The party who has demanded trial by jury shall reimburse
6 the superior court for the fees and mileage of all jurors appearing
7 for voir dire examination, except those jurors who are excused and
8 subsequently on the same day are called for voir dire examination
9 in another case.

10 SEC. 7. Section 56159 of the Education Code is amended to
11 read:

12 56159. If a district, special education local plan area, or county
13 office does not make the placement decision of an individual with
14 exceptional needs in a licensed children’s institution or in a foster
15 family home, the regional center for the developmentally disabled
16 or public agency, excluding an education agency, placing the
17 individual in the institution, shall be responsible for the residential
18 costs and the cost of noneducation services of the individual.

19 SEC. 8. Section 731 of the Evidence Code is amended to read:

20 731. (a) (1) In all criminal actions and juvenile court
21 proceedings, the compensation fixed under Section 730 shall be a
22 charge against the county in which the action or proceeding is
23 pending and shall be paid out of the treasury of that county on
24 order of the court.

25 (2) Notwithstanding paragraph (1), if the expert is appointed
26 for the court’s needs, the compensation shall be a charge against
27 the court.

28 (b) In any county in which the superior court so provides, the
29 compensation fixed under Section 730 for medical experts
30 appointed for the court’s needs in civil actions shall be a charge
31 against the court. In any county in which the board of supervisors
32 so provides, the compensation fixed under Section 730 for medical
33 experts appointed in civil actions, for purposes other than the
34 court’s needs, shall be a charge against and paid out of the treasury
35 of that county on order of the court.

36 (c) Except as otherwise provided in this section, in all civil
37 actions, the compensation fixed under Section 730 shall, in the
38 first instance, be apportioned and charged to the several parties in
39 a proportion as the court may determine and may thereafter be
40 taxed and allowed in like manner as other costs.

1 SEC. 9. Section 752 of the Evidence Code is amended to read:

2 752. (a) When a witness is incapable of understanding the
3 English language or is incapable of expressing himself or herself
4 in the English language so as to be understood directly by counsel,
5 court, and jury, an interpreter whom the witness can understand
6 and who can understand the witness shall be sworn to interpret for
7 the witness.

8 (b) The record shall identify the interpreter, who may be
9 appointed and compensated as provided in Article 2 (commencing
10 with Section 730) of Chapter 3, with that compensation charged
11 as follows:

12 (1) In all criminal actions and juvenile court proceedings, the
13 compensation for an interpreter under this section shall be a charge
14 against the court.

15 (2) In all civil actions, the compensation for an interpreter under
16 this section shall, in the first instance, be apportioned and charged
17 to the several parties in a proportion as the court may determine
18 and may thereafter be taxed and allowed in a like manner as other
19 costs.

20 SEC. 10. Section 753 of the Evidence Code is amended to read:

21 753. (a) When the written characters in a writing offered in
22 evidence are incapable of being deciphered or understood directly,
23 a translator who can decipher the characters or understand the
24 language shall be sworn to decipher or translate the writing.

25 (b) The record shall identify the translator, who may be
26 appointed and compensated as provided in Article 2 (commencing
27 with Section 730) of Chapter 3, with that compensation charged
28 as follows:

29 (1) In all criminal actions and juvenile court proceedings, the
30 compensation for a translator under this section shall be a charge
31 against the court.

32 (2) In all civil actions, the compensation for a translator under
33 this section shall, in the first instance, be apportioned and charged
34 to the several parties in a proportion as the court may determine
35 and may thereafter be taxed and allowed in like manner as other
36 costs.

37 SEC. 11. Section 754 of the Evidence Code is amended to read:

38 754. (a) As used in this section, “individual who is deaf or
39 hearing impaired” means an individual with a hearing loss so great
40 as to prevent his or her understanding language spoken in a normal

1 tone, but does not include an individual who is hearing impaired
2 provided with, and able to fully participate in the proceedings
3 through the use of, an assistive listening system or computer-aided
4 transcription equipment provided pursuant to Section 54.8 of the
5 Civil Code.

6 (b) In any civil or criminal action, including, but not limited to,
7 any action involving a traffic or other infraction, any small claims
8 court proceeding, any juvenile court proceeding, any family court
9 proceeding or service, or any proceeding to determine the mental
10 competency of a person, in any court-ordered or court-provided
11 alternative dispute resolution, including mediation and arbitration,
12 or any administrative hearing, where a party or witness is an
13 individual who is deaf or hearing impaired and the individual who
14 is deaf or hearing impaired is present and participating, the
15 proceedings shall be interpreted in a language that the individual
16 who is deaf or hearing impaired understands by a qualified
17 interpreter appointed by the court or other appointing authority,
18 or as agreed upon.

19 (c) For purposes of this section, “appointing authority” means
20 a court, department, board, commission, agency, licensing or
21 legislative body, or other body for proceedings requiring a qualified
22 interpreter.

23 (d) For the purposes of this section, “interpreter” includes, but
24 is not limited to, an oral interpreter, a sign language interpreter,
25 or a deaf-blind interpreter, depending upon the needs of the
26 individual who is deaf or hearing impaired.

27 (e) For purposes of this section, “intermediary interpreter” means
28 an individual who is deaf or hearing impaired, or a hearing
29 individual who is able to assist in providing an accurate
30 interpretation between spoken English and sign language or
31 between variants of sign language or between American Sign
32 Language and other foreign languages by acting as an intermediary
33 between the individual who is deaf or hearing impaired and the
34 qualified interpreter.

35 (f) For purposes of this section, “qualified interpreter” means
36 an interpreter who has been certified as competent to interpret
37 court proceedings by a testing organization, agency, or educational
38 institution approved by the Judicial Council as qualified to
39 administer tests to court interpreters for individuals who are deaf
40 or hearing impaired.

1 (g) In the event that the appointed interpreter is not familiar
2 with the use of particular signs by the individual who is deaf or
3 hearing impaired or his or her particular variant of sign language,
4 the court or other appointing authority shall, in consultation with
5 the individual who is deaf or hearing impaired or his or her
6 representative, appoint an intermediary interpreter.

7 (h) Prior to July 1, 1992, the Judicial Council shall conduct a
8 study to establish the guidelines pursuant to which it shall
9 determine which testing organizations, agencies, or educational
10 institutions will be approved to administer tests for certification
11 of court interpreters for individuals who are deaf or hearing
12 impaired. It is the intent of the Legislature that the study obtain
13 the widest possible input from the public, including, but not limited
14 to, educational institutions, the judiciary, linguists, members of
15 the State Bar, court interpreters, members of professional
16 interpreting organizations, and members of the deaf and
17 hearing-impaired communities. After obtaining public comment
18 and completing its study, the Judicial Council shall publish these
19 guidelines. By January 1, 1997, the Judicial Council shall approve
20 one or more entities to administer testing for court interpreters for
21 individuals who are deaf or hearing impaired. Testing entities may
22 include educational institutions, testing organizations, joint powers
23 agencies, or public agencies.

24 Commencing July 1, 1997, court interpreters for individuals who
25 are deaf or hearing impaired shall meet the qualifications specified
26 in subdivision (f).

27 (i) Persons appointed to serve as interpreters under this section
28 shall be paid, in addition to actual travel costs, the prevailing rate
29 paid to persons employed by the court to provide other interpreter
30 services unless such service is considered to be a part of the
31 person's regular duties as an employee of the state, county, or other
32 political subdivision of the state. Except as provided in subdivision
33 (j), payment of the interpreter's fee shall be a charge against the
34 court. Payment of the interpreter's fee in administrative
35 proceedings shall be a charge against the appointing board or
36 authority.

37 (j) Whenever a peace officer or any other person having a law
38 enforcement or prosecutorial function in any criminal or
39 quasi-criminal investigation or non-court proceeding questions or
40 otherwise interviews an alleged victim or witness who demonstrates

1 or alleges deafness or hearing impairment, a good faith effort to
2 secure the services of an interpreter shall be made, without any
3 unnecessary delay unless either the individual who is deaf or
4 hearing impaired affirmatively indicates that he or she does not
5 need or cannot use an interpreter, or an interpreter is not otherwise
6 required by Title II of the Americans with Disabilities Act of 1990
7 (Public Law 101-336) and federal regulations adopted thereunder.
8 Payment of the interpreter's fee shall be a charge against the
9 county, or other political subdivision of the state, in which the
10 action is pending.

11 (k) No statement, written or oral, made by an individual who
12 the court finds is deaf or hearing impaired in reply to a question
13 of a peace officer, or any other person having a law enforcement
14 or prosecutorial function in any criminal or quasi-criminal
15 investigation or proceeding, may be used against that individual
16 who is deaf or hearing impaired unless the question was accurately
17 interpreted and the statement was made knowingly, voluntarily,
18 and intelligently and was accurately interpreted, or the court makes
19 special findings that either the individual could not have used an
20 interpreter or an interpreter was not otherwise required by Title II
21 of the Americans with Disabilities Act of 1990 (Public Law
22 101-336) and federal regulations adopted thereunder and that the
23 statement was made knowingly, voluntarily, and intelligently.

24 (l) In obtaining services of an interpreter for purposes of
25 subdivision (j) or (k), priority shall be given to first obtaining a
26 qualified interpreter.

27 (m) Nothing in subdivision (j) or (k) shall be deemed to
28 supersede the requirement of subdivision (b) for use of a qualified
29 interpreter for individuals who are deaf or hearing impaired
30 participating as parties or witnesses in a trial or hearing.

31 (n) In any action or proceeding in which an individual who is
32 deaf or hearing impaired is a participant, the appointing authority
33 shall not commence proceedings until the appointed interpreter is
34 in full view of and spatially situated to assure proper
35 communication with the participating individual who is deaf or
36 hearing impaired.

37 (o) Each superior court shall maintain a current roster of
38 qualified interpreters certified pursuant to subdivision (f).

39 SEC. 12. Section 1814 of the Family Code is amended to read:

1 1814. (a) In each county in which a family conciliation court
2 is established, the superior court may appoint one supervising
3 counselor of conciliation and one secretary to assist the family
4 conciliation court in disposing of its business and carrying out its
5 functions. When superior courts by contract have established joint
6 family conciliation court services, the contracting courts jointly
7 may make the appointments under this subdivision.

8 (b) The supervising counselor of conciliation has the power to
9 do all of the following:

10 (1) Hold conciliation conferences with parties to, and hearings
11 in, proceedings under this part, and make recommendations
12 concerning the proceedings to the judge of the family conciliation
13 court.

14 (2) Provide supervision in connection with the exercise of the
15 counselor's jurisdiction as the judge of the family conciliation
16 court may direct.

17 (3) Cause reports to be made, statistics to be compiled, and
18 records to be kept as the judge of the family conciliation court may
19 direct.

20 (4) Hold hearings in all family conciliation court cases as may
21 be required by the judge of the family conciliation court, and make
22 investigations as may be required by the court to carry out the
23 intent of this part.

24 (5) Make recommendations relating to marriages where one or
25 both parties are underage.

26 (6) Make investigations, reports, and recommendations as
27 provided in Section 281 of the Welfare and Institutions Code under
28 the authority provided the probation officer in that code.

29 (7) Act as domestic relations cases investigator.

30 (8) Conduct mediation of child custody and visitation disputes.

31 (c) The superior court, or contracting superior courts, may also
32 appoint associate counselors of conciliation and other office
33 assistants as may be necessary to assist the family conciliation
34 court in disposing of its business. The associate counselors shall
35 carry out their duties under the supervision of the supervising
36 counselor of conciliation and have the powers of the supervising
37 counselor of conciliation. Office assistants shall work under the
38 supervision and direction of the supervising counselor of
39 conciliation.

1 (d) The classification and salaries of persons appointed under
2 this section shall be determined by:

3 (1) The superior court of the county in which a noncontracting
4 family conciliation court operates.

5 (2) The superior court of the county which by contract has the
6 responsibility to administer funds of the joint family conciliation
7 court service.

8 SEC. 13. Section 1820 of the Family Code is amended to read:

9 1820. (a) A court may contract with any other court or courts
10 to provide joint family conciliation court services.

11 (b) An agreement between two or more courts for the operation
12 of a joint family conciliation court service may provide that one
13 participating court shall be the custodian of moneys made available
14 for the purposes of the joint services, and that the custodian court
15 may make payments from the moneys upon audit of the appropriate
16 auditing officer or body of the court.

17 (c) An agreement between two or more courts for the operation
18 of a joint family conciliation court service may also provide:

19 (1) For the joint provision or operation of services and facilities
20 or for the provision or operation of services and facilities by one
21 participating court under contract for the other participating courts.

22 (2) For appointments of members of the staff of the family
23 conciliation court including the supervising counselor.

24 (3) That, for specified purposes, the members of the staff of the
25 family conciliation court including the supervising counselor, but
26 excluding the judges of the family conciliation court, shall be
27 considered to be employees of one participating court.

28 (4) For other matters that are necessary or proper to effectuate
29 the purposes of the Family Conciliation Court Law.

30 (d) The provisions of this part relating to family conciliation
31 court services provided by a single court shall be equally applicable
32 to courts which contract, pursuant to this section, to provide joint
33 family conciliation court services.

34 SEC. 14. Section 1834 of the Family Code is amended to read:

35 1834. (a) The clerk of the court shall provide, at the expense
36 of the court, blank forms for petitions for filing pursuant to this
37 part.

38 (b) The probation officers of the county and the attachés and
39 employees of the family conciliation court shall assist a person in

1 the preparation and presentation of a petition under this part if the
2 person requests assistance.

3 (c) All public officers in each county shall refer to the family
4 conciliation court all petitions and complaints made to them in
5 respect to controversies within the jurisdiction of the family
6 conciliation court.

7 (d) The jurisdiction of the family conciliation court in respect
8 to controversies arising out of an instance of domestic violence is
9 not exclusive but is coextensive with any other remedies either
10 civil or criminal in nature that may be available.

11 SEC. 15. Section 1838 of the Family Code is amended to read:

12 1838. (a) The hearing shall be conducted informally as a
13 conference or a series of conferences to effect a reconciliation of
14 the spouses or an amicable adjustment or settlement of the issues
15 in controversy.

16 (b) To facilitate and promote the purposes of this part, the court
17 may, with the consent of both parties to the proceeding, recommend
18 or invoke the aid of medical or other specialists or scientific
19 experts, or of the pastor or director of any religious denomination
20 to which the parties may belong. Aid under this subdivision shall
21 not be at the expense of the court unless the presiding judge
22 specifically authorizes the aid, nor at the expense of the county
23 unless the board of supervisors of the county specifically provides
24 and authorizes the aid.

25 SEC. 16. Section 1850 of the Family Code is amended to read:

26 1850. The Judicial Council shall do all of the following:

27 (a) Assist courts in implementing mediation and conciliation
28 proceedings under this code.

29 (b) Establish and implement a uniform statistical reporting
30 system relating to proceedings brought for dissolution of marriage,
31 for nullity of marriage, or for legal separation of the parties,
32 including, but not limited to, a custody disposition survey.

33 (c) Administer a program of grants to public and private agencies
34 submitting proposals for research, study, and demonstration
35 projects in the area of family law, including, but not limited to, all
36 of the following:

37 (1) The development of conciliation and mediation and other
38 newer dispute resolution techniques, particularly as they relate to
39 child custody and to avoidance of litigation.

1 (2) The establishment of criteria to ensure that a child support
2 order is adequate.

3 (3) The development of methods to ensure that a child support
4 order is paid.

5 (4) The study of the feasibility and desirability of guidelines to
6 assist judges in making custody decisions.

7 (d) Administer a program for the training of court personnel
8 involved in family law proceedings, which shall be available to
9 the court personnel and which shall be totally funded from funds
10 specified in Section 1852. The training shall include, but not be
11 limited to, the order of preference for custody of minor children
12 and the meaning of the custody arrangements under Part 2
13 (commencing with Section 3020) of Division 8.

14 (e) Conduct research on the effectiveness of current family law
15 for the purpose of shaping future public policy.

16 SEC. 17. Section 3025.5 of the Family Code is amended to
17 read:

18 3025.5. In any proceeding involving child custody or visitation
19 rights, if a report containing psychological evaluations of a child
20 or recommendations regarding custody of, or visitation with, a
21 child is submitted to the court, including, but not limited to, a
22 report created pursuant to Chapter 6 (commencing with Section
23 3110) of this part, a recommendation made to the court pursuant
24 to Section 3183, and a written statement of issues and contentions
25 pursuant to subdivision (b) of Section 3151, that information shall
26 be contained in a document that shall be placed in the confidential
27 portion of the court file of the proceeding, and may not be
28 disclosed, except to the following persons:

29 (a) A party to the proceeding and his or her attorney.

30 (b) A federal or state law enforcement officer, judicial officer,
31 court employee, or family court facilitator of the superior court of
32 the county in which the action was filed, or an employee or agent
33 of that facilitator, acting within the scope of his or her duties.

34 (c) Counsel appointed for the child pursuant to Section 3150.

35 (d) Any other person upon order of the court for good cause.

36 SEC. 18. Section 3170 of the Family Code is amended to read:

37 3170. (a) If it appears on the face of a petition, application, or
38 other pleading to obtain or modify a temporary or permanent
39 custody or visitation order that custody, visitation, or both are
40 contested, the court shall set the contested issues for mediation.

1 (b) Domestic violence cases shall be handled by Family Court
2 Services in accordance with a separate written protocol approved
3 by the Judicial Council. The Judicial Council shall adopt guidelines
4 for services, other than services provided under this chapter, that
5 courts or counties may offer to parents who have been unable to
6 resolve their disputes. These services may include, but are not
7 limited to, parent education programs, booklets, video recordings,
8 or referrals to additional community resources.

9 SEC. 19. Section 3173 of the Family Code is amended to read:

10 3173. (a) Upon an order of the presiding judge of a superior
11 court authorizing the procedure in that court, a petition may be
12 filed pursuant to this chapter for mediation of a dispute relating to
13 an existing order for custody, visitation, or both.

14 (b) The mediation of a dispute concerning an existing order
15 shall be set not later than 60 days after the filing of the petition.

16 SEC. 20. Section 3188 of the Family Code is amended to read:

17 3188. (a) Any court selected by the Judicial Council under
18 subdivision (c) may voluntarily adopt a confidential mediation
19 program that provides for all of the following:

20 (1) The mediator may not make a recommendation as to custody
21 or visitation to anyone other than the disputing parties, except as
22 otherwise provided in this section.

23 (2) If total or partial agreement is reached in mediation, the
24 mediator may report this fact to the court. If both parties consent
25 in writing, where there is a partial agreement, the mediator may
26 report to the court a description of the issues still in dispute, without
27 specific reference to either party.

28 (3) In making the recommendation described in Section 3184,
29 the mediator may not inform the court of the reasons why it would
30 be in the best interest of the minor child to have counsel appointed.

31 (4) If the parties have not reached agreement as a result of the
32 initial mediation, this section does not prohibit the court from
33 requiring subsequent mediation that may result in a
34 recommendation as to custody or visitation with the child if the
35 subsequent mediation is conducted by a different mediator with
36 no prior involvement with the case or knowledge of any
37 communications, as defined in Section 1040 of the Evidence Code,
38 with respect to the initial mediation. The court, however, shall
39 inform the parties that the mediator will make a recommendation

1 to the court regarding custody or visitation in the event that the
2 parties cannot reach agreement on these issues.

3 (5) If an initial screening or intake process indicates that the
4 case involves serious safety risks to the child, such as domestic
5 violence, sexual abuse, or serious substance abuse, the mediator
6 may provide an initial emergency assessment service that includes
7 a recommendation to the court concerning temporary custody or
8 visitation orders in order to expeditiously address those safety
9 issues.

10 (b) This section shall become operative upon the appropriation
11 of funds in the annual Budget Act sufficient to implement this
12 section.

13 (c) This section shall apply only in four or more superior courts
14 selected by the Judicial Council that currently allow a mediator to
15 make custody recommendations to the court and have more than
16 1,000 family law case filings per year. The Judicial Council may
17 also make this section applicable to additional superior courts that
18 have fewer than 1,000 family law case filings per year.

19 SEC. 21. Section 6303 of the Family Code is amended to read:

20 6303. (a) It is the function of a support person to provide moral
21 and emotional support for a person who alleges he or she is a victim
22 of domestic violence. The person who alleges that he or she is a
23 victim of domestic violence may select any individual to act as a
24 support person. No certification, training, or other special
25 qualification is required for an individual to act as a support person.
26 The support person shall assist the person in feeling more confident
27 that he or she will not be injured or threatened by the other party
28 during the proceedings where the person and the other party must
29 be present in close proximity. The support person is not present
30 as a legal adviser and shall not give legal advice.

31 (b) A support person shall be permitted to accompany either
32 party to any proceeding to obtain a protective order, as defined in
33 Section 6218. Where the party is not represented by an attorney,
34 the support person may sit with the party at the table that is
35 generally reserved for the party and the party's attorney.

36 (c) Notwithstanding any other provision of law to the contrary,
37 if a court has issued a protective order, a support person shall be
38 permitted to accompany a party protected by the order during any
39 mediation orientation or mediation session, including separate
40 mediation sessions, held pursuant to a proceeding described in

1 Section 3021. Family Court Services, and any agency charged
2 with providing family court services, shall advise the party
3 protected by the order of the right to have a support person during
4 mediation. A mediator may exclude a support person from a
5 mediation session if the support person participates in the mediation
6 session, or acts as an advocate, or the presence of a particular
7 support person is disruptive or disrupts the process of mediation.
8 The presence of the support person does not waive the
9 confidentiality of the mediation, and the support person is bound
10 by the confidentiality of the mediation.

11 (d) In a proceeding subject to this section, a support person shall
12 be permitted to accompany a party in court where there are
13 allegations or threats of domestic violence and, where the party is
14 not represented by an attorney, may sit with the party at the table
15 that is generally reserved for the party and the party's attorney.

16 (e) Nothing in this section precludes a court from exercising its
17 discretion to remove a person from the courtroom when it would
18 be in the interest of justice to do so, or when the court believes the
19 person is prompting, swaying, or influencing the party protected
20 by the order.

21 SEC. 22. Section 7553 of the Family Code is amended to read:

22 7553. (a) The compensation of each expert witness appointed
23 by the court shall be fixed at a reasonable amount. It shall be paid
24 as the court shall order. Except as provided in subdivision (b), the
25 court may order that it be paid by the parties in the proportions
26 and at the times the court prescribes, or that the proportion of any
27 party be paid by the county, and that, after payment by the parties
28 or the county or both, all or part or none of it be taxed as costs in
29 the action or proceeding.

30 (b) If the expert witness is appointed for the court's needs, the
31 compensation shall be paid by the court.

32 SEC. 23. Section 7556 of the Family Code is amended to read:

33 7556. This part applies to criminal actions subject to the
34 following limitations and provisions:

35 (a) An order for the tests shall be made only upon application
36 of a party or on the court's initiative.

37 (b) The compensation of the experts, other than an expert
38 witness appointed by the court for the court's needs, shall be paid
39 by the county under order of court. The compensation of an expert
40 witness appointed for the court's needs shall be paid by the court.

1 (c) The court may direct a verdict of acquittal upon the
2 conclusions of all the experts under Section 7554; otherwise, the
3 case shall be submitted for determination upon all the evidence.

4 SEC. 24. Section 1750 of the Government Code is amended
5 to read:

6 1750. Resignations shall be in writing, and made as follows:

7 (a) By the Governor and Lieutenant Governor, to the Legislature,
8 if it is in session; and if not, then to the Secretary of State.

9 (b) By all officers commissioned by the Governor, to the
10 Governor.

11 (c) By Senators and Members of the Assembly, to the presiding
12 officers of their respective houses, who shall immediately transmit
13 the resignation to the Governor.

14 (d) By all officers of a county or special district other than an
15 air pollution control district which includes territory in more than
16 one county or a school district, not commissioned by the Governor,
17 to the clerk of the board of supervisors of their respective counties,
18 unless by the terms of the act under which a district is formed
19 appointment to vacancies is made by other than the board of
20 supervisors, in which case the resignation shall be submitted to
21 the appointing body.

22 (e) By officers of a superior court, to the presiding judge.

23 (f) By officers of a municipal corporation, to the clerk of the
24 legislative body of their corporation.

25 (g) By all other appointed officers, to the body or officer that
26 appointed them.

27 SEC. 25. Section 23249 of the Government Code is amended
28 to read:

29 23249. The commission shall determine:

30 (a) An equitable distribution, as between the transferring county
31 and the accepting county, of the indebtedness of each affected
32 county.

33 (b) The fiscal impact of the proposed boundary change in each
34 affected county.

35 (c) The economic viability of each affected county if the
36 proposed boundary change is effected.

37 (d) The final boundary lines between the two affected counties
38 as they will exist if the proposed boundary change is effected.

1 (e) A procedure for the orderly and timely transition of services,
2 functions, and responsibilities from the transferring county to the
3 accepting county.

4 (f) The division of both affected counties into five supervisorial
5 districts. The boundaries of the districts shall be established in a
6 manner that results in a population in each district which is as
7 equal as possible to the population in each other district within the
8 county.

9 (g) The division of both affected counties into a convenient and
10 necessary number of road and school districts, the territory of
11 which shall be defined. To the extent possible, existing road and
12 school districts located within the territory which is to be
13 transferred shall be maintained.

14 SEC. 26. Section 23332 of the Government Code is amended
15 to read:

16 23332. The commission shall determine all of the following:

17 (a) A fair, just, and equitable distribution, as between each
18 affected county and the proposed county, of the indebtedness of
19 each affected county.

20 (b) The fiscal impact of the proposed county creation on each
21 affected county.

22 (c) The economic viability of the proposed county.

23 (d) The final boundaries of the proposed county, pursuant to
24 Sections 23337, 23337.5, and 23338.

25 (e) A procedure for the orderly and timely transition of service
26 functions and responsibilities from the affected county or counties
27 to the proposed county.

28 (f) The division of the proposed county into five supervisorial
29 districts. The boundaries of the districts shall be established in a
30 manner which results in a population in each district which is as
31 equal as possible to the population in each of the other districts
32 within the county.

33 (g) The division of the proposed county into a convenient and
34 necessary number of road and school districts, the territory of
35 which shall be defined. To the extent possible, existing road and
36 school districts located within the territory of the proposed county
37 shall be maintained.

38 (h) Which county offices shall be filled by election at the
39 subsequent election of officials for an approved county conducted
40 pursuant to Article 4.5 (commencing with Section 23374.1), and

1 which of the offices shall be filled by appointments made by the
2 board of supervisors of the approved county. At a minimum, the
3 county offices to be filled by election shall be those which by law,
4 are required to be filled by election.

5 (i) That the boundaries of the proposed county do not create a
6 territory completely surrounded by any affected county.

7 (j) The location of the county seat of the proposed county.

8 (k) The appropriations limit for the proposed county in
9 accordance with Section 4 of Article XIII B of the California
10 Constitution.

11 The commission shall not be required to make any other
12 determinations.

13 SEC. 27. Section 23535 of the Government Code is amended
14 to read:

15 23535. The commission shall determine:

16 (a) The fiscal impact of the proposed consolidation on the
17 affected counties.

18 (b) A procedure for the orderly and timely transition of services,
19 functions, and responsibilities from each affected county to the
20 consolidated county.

21 (c) The division of the proposed consolidated county into five
22 supervisorial districts.

23 (d) The division of the proposed consolidated county into a
24 convenient and necessary number of road and school districts, the
25 territory of which shall be defined.

26 (e) The county officers to be elected at the election provided
27 for in Section 23550.

28 (f) The location of the county seat of the proposed consolidated
29 county.

30 SEC. 28. Section 24350 of the Government Code is amended
31 to read:

32 24350. Each salaried officer of a county shall charge and collect
33 for the use of his or her county and pay into the county treasury
34 on or before the fifth day of each month the fees allowed by law
35 in all cases, except those or a percentage of them allowed him or
36 her, and those which are a charge against the county. No salaried
37 officer who collects fees pursuant to this section shall be required
38 to accept coin in payment of those fees.

39 SEC. 29. Section 24351 of the Government Code is amended
40 to read:

1 24351. Unless otherwise specifically provided for by law, each
2 officer of a county shall on the certificate of the auditor
3 immediately deposit in the county treasury all trust money coming
4 into the officer's possession officially. Trust money so deposited
5 shall be withdrawn only on a warrant issued by the county auditor
6 drawn upon requisition of the officer depositing the money.

7 SEC. 30. Section 24353 of the Government Code is amended
8 to read:

9 24353. Each officer of a county authorized to collect money
10 shall pay into the county treasury all money collected by him or
11 her, or under his or her control, that is payable into the treasury in
12 a timely manner, and shall remit fee, fine, and forfeiture data within
13 35 days after the end of the month in which they are collected to
14 the county auditor and treasurer in the form they require. No officer
15 who collects money as described in this section shall be required
16 to accept payment in coin. If the county auditor finds that an officer
17 of the county has failed to comply with the requirements for
18 payment of moneys pursuant to this section or Section 68101,
19 which directly results in the assessment of a financial penalty
20 pursuant to Section 68085, the county department that failed to
21 comply shall reimburse the county general fund in an amount equal
22 to the actual penalty. With the approval of the treasurer as provided
23 in Section 27080.1, each depositing officer may deposit directly
24 into the treasurer's active account all money payable into the
25 county treasury.

26 SEC. 31. Section 25252.6 of the Government Code is amended
27 to read:

28 25252.6. The board of supervisors may in its discretion
29 establish and determine the amount of, or may by resolution
30 authorize the county auditor to establish and determine the amount
31 of, a revolving cash trust fund for the purpose of eliminating delays
32 which adversely affect the official operation of offices and
33 departments of the county resulting from regular deposits in and
34 withdrawals from a trust fund established for the use of any county
35 officer or department head. The amount of the revolving cash trust
36 fund shall not exceed the amount of the trust fund. The revolving
37 cash trust fund shall be used by the officer or department head for
38 payment of services, expenses, or other charges which are legally
39 payable out of the deposits in the trust fund.

1 SEC. 32. Section 27080.1 of the Government Code is amended
2 to read:

3 27080.1. Where the county treasurer has entered into a contract
4 for the deposit of moneys with a depository pursuant to Section
5 53682, the county treasurer may authorize any county officer,
6 required to deposit into the county treasury all money collected
7 by him or her, to deposit that money directly into the depository
8 with whom the county treasurer has entered into the contract. The
9 county treasurer may also authorize any superior court officer to
10 deposit money collected by the officer that is payable to the county
11 treasury into the depository. All deposits made under authority
12 granted by the treasurer pursuant to this section shall be made in
13 the form as required by the treasurer, and receipts for those deposits
14 shall be given in accordance with Section 27009.

15 SEC. 33. Section 29320 of the Government Code is amended
16 to read:

17 29320. As used in this article, “officer of the county” includes
18 any elective or appointive officer of a county and any person in
19 charge of any office, department, service, or institution of the
20 county, or a division or branch thereof.

21 SEC. 34. Section 29370 of the Government Code is amended
22 to read:

23 29370. The board of supervisors may establish a county officers
24 cash difference fund for the use of any county officer or
25 administrative head of any county department handling county
26 funds by adopting a resolution setting forth the amount of the fund.
27 Certified copies of the resolution shall be transmitted to the county
28 auditor and to each county officer or administrative head of a
29 county department who has such fund.

30 SEC. 35. Section 29370.1 of the Government Code is amended
31 to read:

32 29370.1. (a) As an alternative to Section 29370, the board of
33 supervisors may, by resolution, authorize the county auditor to
34 perform the functions of the board in establishing, increasing,
35 reducing, or discontinuing any county officers cash difference
36 fund.

37 (b) The resolution adopted by the board of supervisors may set
38 the amount of the fund. If the board of supervisors adopts the
39 resolution, the county auditor shall do all of the following:

1 (1) Be subject to the same requirements and limitations
2 otherwise prescribed for the board of supervisors in this article.

3 (2) In lieu of acting by resolution, act by signed statement having
4 the same content otherwise prescribed in this article for resolutions.

5 (3) Render a written report to the board of supervisors at the
6 end of each fiscal year identifying the cash difference funds in
7 existence during the fiscal year, the amount of those funds, and
8 the officer using the fund. The board of supervisors may require
9 the county auditor to give an account of the cash difference fund
10 at any other time.

11 (c) The county auditor shall send a copy of his or her signed
12 statement to each county officer or administrative head of a county
13 department who has the fund.

14 SEC. 36. Section 29371 of the Government Code is amended
15 to read:

16 29371. If the board elects to establish a cash difference fund,
17 it shall by the same resolution also establish an overage fund for
18 the use of each county officer or administrative head of a county
19 department affected.

20 SEC. 37. Section 29372 of the Government Code is amended
21 to read:

22 29372. Upon the adoption of the resolution, the auditor shall
23 draw a warrant in favor of the county officer or administrative
24 head of a county department in the amount set forth in the
25 resolution, and the treasurer shall pay the warrant. The county
26 officer or administrative head of a county department shall use
27 this fund only for cash deficits pursuant to this article.

28 SEC. 38. Section 29373 of the Government Code is amended
29 to read:

30 29373. Any person in any county office or department in which
31 a cash difference fund has been established who receives and
32 disburses money placed in the person's custody as directed by law
33 or by official authority, shall render a written report to the county
34 officer or administrative head of a county department at the close
35 of each business day, setting forth the exact sum of any cash deficit
36 or overage in the person's account for that day. Failure to report
37 any cash deficit or overage at the close of the business day in which
38 it occurred is a violation of this article.

39 SEC. 39. Section 29374 of the Government Code is amended
40 to read:

1 29374. If a cash deficit is reported to the county officer or
2 administrative head of a county department, the county officer or
3 administrative head shall immediately reimburse the cash charged
4 to the person in the amount of the cash deficit. The reimbursement
5 shall not exceed the amount in the cash difference fund unless that
6 fund is replenished by the board of supervisors, and in any event
7 is not to exceed the sum appropriated by the board.

8 SEC. 40. Section 29375 of the Government Code is amended
9 to read:

10 29375. If an overage is reported to the county officer or
11 administrative head of a county department involved, the county
12 officer or administrative head shall immediately deposit the overage
13 in the overage fund in the county treasury.

14 SEC. 41. Section 29376 of the Government Code is amended
15 to read:

16 29376. Each county officer or administrative head of a county
17 department having a cash difference fund shall upon demand of
18 the auditor or the board of supervisors give an account of the cash
19 difference fund.

20 SEC. 42. Section 29377 of the Government Code is amended
21 to read:

22 29377. If the cash difference fund becomes exhausted, the
23 county officer or administrative head of a county department
24 involved may make a written application to the board of supervisors
25 to have it replenished. In the application, the county officer or
26 administrative head shall itemize each cash deficit as to amount,
27 date of occurrence, and the name of the person whose account was
28 reimbursed from the fund.

29 SEC. 43. Section 29379 of the Government Code is amended
30 to read:

31 29379. The board may at any time discontinue the cash
32 difference fund. If the cash difference fund is discontinued, the
33 county officer or administrative head of a county department shall
34 immediately give an account thereof and deposit any balance in
35 that fund into the county general fund.

36 SEC. 44. Section 29603 of the Government Code is amended
37 to read:

38 29603. The sums required by law to be paid to grand jurors
39 and witnesses in criminal cases tried in a superior court, other than

1 expert witnesses appointed by the court for the court's needs
2 pursuant to Section 730 of the Evidence Code, are county charges.

3 SEC. 45. Section 31116 of the Government Code is amended
4 to read:

5 31116. For the purpose of facilitating the recruitment of
6 professional and technically trained persons to fill positions for
7 which there is a shortage of qualified applicants, a county may
8 expend county funds to pay reasonable travel expenses of
9 applicants for county employment in traveling, from any point
10 within the continental United States, to and from the place or places
11 at which the applicants are to be examined or interviewed. Such
12 payments shall be authorized only upon a determination by the
13 board of supervisors that the expenditure is necessary to recruit
14 qualified persons needed by the county.

15 SEC. 46. Section 68083 is added to the Government Code, to
16 read:

17 68083. Each salaried officer of a superior court shall charge,
18 collect, and promptly deposit the fees allowed in each case, as
19 provided by law. No salaried officer who collects fees shall be
20 required to accept coin in payment of those fees.

21 SEC. 47. Section 68083.5 is added to the Government Code,
22 to read:

23 68083.5. Each officer of a superior court authorized to collect
24 money shall pay into the county treasury all money collected by
25 that officer, or under the officer's control, that is payable into the
26 treasury in a timely manner, and shall remit fee, fine, and forfeiture
27 data within 35 days after the end of the month in which they are
28 collected to the county auditor and treasurer in the form they
29 require. No officer who collects money as described in this section
30 shall be required to accept payment in coin. If the county auditor
31 finds that an officer of the court has failed to comply with the
32 requirements for payment of moneys pursuant to this section or
33 Section 68101, which directly results in the assessment of a
34 financial penalty pursuant to Section 68085, the superior court that
35 failed to comply shall reimburse the county general fund in an
36 amount equal to the actual penalty. With the approval of the
37 treasurer as provided in Section 27080.1, each depositing officer
38 may deposit directly into the treasurer's active account all money
39 payable into the county treasury. On and after January 1, 2006,
40 this section does not apply to money collected under Chapter 5.8

1 (commencing with Section 70600) of Title 8 or fees and fines to
2 which Section 68085.1 applies.

3 SEC. 48. Section 68098 of the Government Code is amended
4 to read:

5 68098. Witness' fees in criminal cases in superior courts, other
6 than fees for expert witnesses appointed by the court for the court's
7 needs pursuant to Section 730 of the Evidence Code, are charges
8 against the same funds as grand jurors' fees in criminal cases.

9 SEC. 49. Section 1305.5 is added to the Penal Code, to read:

10 1305.5. Notwithstanding Sections 85, 580, 904.1, and 904.2
11 of the Code of Civil Procedure, the following rules apply to an
12 appeal from an order of the superior court on a motion to vacate
13 a bail forfeiture declared under Section 1305:

14 (a) If the amount in controversy exceeds twenty-five thousand
15 dollars (\$25,000), the appeal is to the court of appeal and shall be
16 treated as an unlimited civil case.

17 (b) Except as provided in subdivision (c), if the amount in
18 controversy does not exceed twenty-five thousand dollars
19 (\$25,000), the appeal is to the appellate division of the superior
20 court and shall be treated as a limited civil case.

21 (c) If the bail forfeiture was in a felony case, or in a case in
22 which both a felony and a misdemeanor were charged, and the
23 forfeiture occurred at or after the sentencing hearing or after the
24 indictment or the legal commitment by a magistrate, the appeal is
25 to the court of appeal and shall be treated as an unlimited civil
26 case.

27 SEC. 50. Section 1306 of the Penal Code is amended to read:

28 1306. (a) When any bond is forfeited and the period of time
29 specified in Section 1305 has elapsed without the forfeiture having
30 been set aside, the court which has declared the forfeiture shall
31 enter a summary judgment against each bondsman named in the
32 bond in the amount for which the bondsman is bound. The
33 judgment shall be the amount of the bond plus costs, and
34 notwithstanding any other law, no penalty assessments shall be
35 levied or added to the judgment.

36 (b) If a court grants relief from bail forfeiture, it shall impose a
37 monetary payment as a condition of relief to compensate the people
38 for the costs of returning a defendant to custody pursuant to Section
39 1305, except for cases where the court determines that in the best
40 interest of justice no costs should be imposed. The amount imposed

1 shall reflect the actual costs of returning the defendant to custody.
2 Failure to act within the required time to make the payment
3 imposed pursuant to this subdivision shall not be the basis for a
4 summary judgment against any or all of the underlying amount of
5 the bail. A summary judgment entered for failure to make the
6 payment imposed under this subdivision is subject to the provisions
7 of Section 1308, and shall apply only to the amount of the costs
8 owing at the time the summary judgment is entered, plus
9 administrative costs and interest.

10 (c) If, because of the failure of any court to promptly perform
11 the duties enjoined upon it pursuant to this section, summary
12 judgment is not entered within 90 days after the date upon which
13 it may first be entered, the right to do so expires and the bail is
14 exonerated.

15 (d) A dismissal of the complaint, indictment, or information
16 after the default of the defendant shall not release or affect the
17 obligation of the bail bond or undertaking.

18 (e) The district attorney or county counsel shall:

19 (1) Demand immediate payment of the judgment within 30 days
20 after the summary judgment becomes final.

21 (2) If the judgment remains unpaid for a period of 20 days after
22 demand has been made, shall forthwith enforce the judgment in
23 the manner provided for enforcement of money judgments
24 generally. If the judgment is appealed by the surety or bondsman,
25 the undertaking required to be given in these cases shall be
26 provided by a surety other than the one filing the appeal. The
27 undertaking shall comply with the enforcement requirements of
28 Section 917.1 of the Code of Civil Procedure. Notwithstanding
29 Sections 85, 580, 904.1, and 904.2 of the Code of Civil Procedure,
30 jurisdiction of the appeal, and treatment of the appeal as a limited
31 civil case or an unlimited civil case, is governed by Section 1305.5.

32 (f) The right to enforce a summary judgment entered against a
33 bondsman pursuant to this section shall expire two years after the
34 entry of the judgment.

O